MJP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Jose SANCHEZ-Guerrero,** Defendant	Magistrate Docket No. '07 MJ 2287
	COMPLAINT FOR VIOLATION OF:
	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **September 22, 2007** within the Southern District of California, defendant, **Jose SANCHEZ-Guerrero,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **24th** DAY OF **SEPTEMBER, 2007**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose SANCHEZ-Guerrero

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On September 21, 2007, at approximately 11:40 p.m., the Remote Video Surveillance System operator relayed via agency radio of a group of three individuals in area known as "Stewarts Bridge". "Stewarts Bridge" is approximately one and a half miles west of the San Ysidro, California, Port of Entry and approximately 100 yards north of the United States / Mexico International Boundary fence. Border Patrol Agent Griffith, who was conducting line-watch operations in the Imperial Beach Station area, responded and encountered three individuals hiding in some dense brush. Due to the close proximity to the border, time of day, and the fact that this area is notorious for the presence of undocumented immigrants attempting to further their illegal entry into the United States, Agent Griffith identified herself as a U.S. Border Patrol Agent, and conducted an immigration inspection on the individuals. Each of the subjects, including one later identified as the defendant **Jose SANCHEZ-Guerrero**, admitted to being citizens and nationals of Mexico, not in possession of any immigration documents that would allow them to enter or remain legally in the United States. All subjects, including the defendant, were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 16, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights in the Spanish language. The defendant stated that he understood his rights and was willing to make a statement without having a lawyer present. The defendant stated that he entered the night prior by climbing over the United States/Mexico International Boundary fence. The defendant once again freely admitted to being a citizen and national of Mexico illegally present in the United States without any immigration documents that would allow him to enter or remain legally.

Executed on September 23, 2007 at 9:30 A.M.

Raul Castorena
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **September 21, 2007** in violation of Title **8**, United States Code, Section **1326**.

Anthony J. Battaglia
United States Magistrate Judge

9/23/07 11:20am
Date/Time